Supreme Court, U
FILED
MAY 9 198
JOSEPH F. SPANIO
CLERK

3)

No. 87-1934

IN THE

SUPREME COURT OF THE UNITED STATES

October Term, 1988

ANNE DORE McLAUGHLIN, SECRETARY OF LABOR
UNITED STATES DEPARTMENT OF LABOR,
Respondent

vs.

GLASSBORO SERVICE ASSOCIATION, INC.,
Petitioner

ON PETITION FOR A WRIT OF CERTIORARI
TO THE
UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

SUPPLEMENTAL APPENDIX

FREDERICK A. JACOB, ESQUIRE
Attorney for Petitioner
Jacob and Robinson
600 West Main Street
P.O. Box 429
Millville, New Jersey 08332
Linda T. Pirolli, Esquire, on the
Petition

INDEX OF SUPPLEMENTAL APPENDIX

Notice of Judgment and Judgment Order 1SA - 8SA

(submitted pursuant to request of Clerk, U.S. Supreme Court, 6/8/88

UNITED STATES COURT OF APPEALS

FOR THE THIRD CIRCUIT

February 8, 1988

TO: Frederick A. Jacob, Esq.

Lauriston H. Long, Esq.

NOTICE OF JUDGMENT

A Judgment-Order was entered today in case No. 87-5654 and copies are enclosed herewith.

PETITION FOR REHEARING (FRAP 40)

Your attention is specifically directed to Chapter VIII B of the Court's Internal Operating Procedures.

B. Rehearing In Banc.

Rehearing in banc is not favored and ordinarily will not be ordered except

(1) where consideration by the full court is necessary to secure or maintain uniformity of its decisions, or

(2) where the proceeding involves a

question of exceptional importance.

This Court does not ordinarily grant rehearing in banc where the panel's statement of the law is correct and the controverted issue is solely the application of the law to the circumstances of the case.

Nor, except in rare cases, has the court granted rehearing in banc where the case was decided by a judgment order, a memorandum opinion, or unpublished per curiam opinion.

When a petition for rehearing has been filed by a party as prvided by FRAP 35(b) or 40(a), unless the petition for panel rehearing under 40(a) states explicitly it does not request in banc hearing under 35(b), it is presumed that such petition requests both panel rehearing and rehearing in banc.

J-O

Rev. 9-85

FILING TIME

A petition may be filed with 14 days after entry of judgment. No extension will be granted save for the most compelling reasons. The Petition must be received in the Clerk's office within the 14 day period.

The petition shall state with particularity the points of law or fact which in the opinion of the petitioner the court has overlooked or misapprehended and shall contain such argument in support of the petition as the petitioner desires to present. No answer to a petition for rehearing will be received unless requested by the court. Oral argument in support of the petition will not be permitted.

STATEMENT OF COUNSEL

Where the party petitioning for rehearing in banc is represented by counsel, the petition shall contain, so far as is

pertinent, the following statement of counsel:

> "I express a belief, based on a reasoned and studied professional judgment, that the panel decision is contrary to decisions of the United States Ccurt of Appeals for the Third Circuit or the Supreme Court of the United States, and that consideration by the full court is necessary to secure and maintain uniformity of decisions in this Court, to-wit, the panel's decision is contrary to the decision of this Court or the Supreme Court in [citing specifically the case or cases],
>
> Or, that this appeal involves a question of exceptional importance, to-wit [set forth in one sentence]."

Counsel is reminded that sanctions may be imposed for the filing of a frivolous petition for rehearing. See Fed. R. App.

P. 46(c).

FORM

The 15 page limit allowed by the Rule shall be observed.

NUMBER OF COPIES

An original and 14 copies of a petition for rehearing before the Court in banc is required.

An original and 3 copies of a petition for rehearing before the original panel is required.

Rev. 9-85

RULE 22.1

ATTACHMENTS

Attach to each petition for rehearing a copy of the judgment, order or decision of the Court as to which rehearing is sought and any memorandum or opinion of the court stating the reasons therefor.

BILL OF COSTS (FRAP 39)

FILING TIME

A party to whom costs are allowed, who

desires taxation of costs, shall file a bill of costs within 14 days after judgment. The bill of costs must be received in the Clerk's office within the 14 day period.

FORM

Counsel desiring to have costs taxed against the unsuccessful party under Rule 39, FRAP is requested to furnish an itemized and verified statement from the printer showing the actual costs per page for reproducing the brief and appendix (if any). Proof of service of the bill of costs must be attached to the bill.

MANDATE (FRAP 41)

ISSUANCE TIME

The mandate is issued 21 days after judgment. A timely petition for rehearing will stay the issuance. If the petition is denied, the mandate will issue 7 days later. A motion for stay of mandate should be promptly filed if

parties intend to file a petition for writ of certiorari to the Supreme Court of the United States.

Sally Mrvos, Clerk

Enclosures

Rev. 5/86

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 87-5654

ANN DORE McLAUGHLIN, Secretary of Labor,
United States Department of Labor

vs.

GLASSBORO SERVICE ASSOCIATION, INC.

Appellant

Appeal from the United States District
Court for the District of
New Jersey - Camden
(D.C. Civil No. 78-0377)
District Judge: Honorable John F. Gerry

JUDGMENT ORDER

After consideration of all contentions raises by appellant, it is

ADJUDGED AND ORDERED that the judgment of the district court be and is hereby affirmed.

Costs taxed against appellant.

February 8, 1988 BY THE COURT,
/s/ Carol Los Mansmann
Circuit Judge

Attest:
/s/ Sally Mrvos, Clerk